

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NABIL GHOUBRIAL,

Plaintiff,

Vs.

E.B. ADVANCED, P.C.

Defendant.

CASE NO.1:07CV3532

JUDGE CHRISTOPHER A. BOYKO

ORDER

CHRISTOPHER A. BOYKO, J:

On June 9, 2008, the parties in the above case entered into a Consent Judgment wherein Plaintiff was granted judgment against Defendant in the amount of \$80,000. The parties agreed Plaintiff would not execute on the judgment if Defendant paid Plaintiff eight monthly installments of \$5,000 starting May 1, 2008, for a total of \$40,000.

On July 17, 2008, Plaintiff filed a Motion for an Order Requiring Defendant E. B. Advanced, P.C. to Show Cause Why it Should not be Held in Contempt for Violating Fed. R. Civ. P. 69 (ECF # 25), for Defendant's failure to appear at a duly noticed debtor's examination. On August 21, 2008, Plaintiff filed an Amended Notice of Breach alleging Defendant had failed to meet its payment obligations under the Consent Judgment. On September 30, 2008, the Court issued a Show Cause Order requiring Defendant demonstrate, in writing, why it failed to comply

with the terms of the Consent Judgment entry and failed to appear for a debtor's examination. The Court required Defendant demonstrate good cause no later than October 3, 2008, or face a lifting of the stay imposed by the Consent Judgment, monetary sanctions and/or execution on judgment of the entire debt owed minus any payments made. As of October 23, 2008, Defendant has failed to respond to the Court's Show Cause Order.

Therefore, the Court grants Plaintiff's Motion to Permit Execution Upon Judgment and Lifting of any Applicable Stay (ECF #28), and the Court enters judgment, according to the terms of the Consent entry, for Plaintiff in the amount of \$80,000.00 plus costs, minus any payments made to date. Furthermore, the Court finds Defendant has failed to show good cause for failing to appear at the duly noticed debtor's examination. Therefore, the Court finds Plaintiff is entitled to reasonable costs and fees associated with the debtor's examination including the time spent in the preparation of the Motion for Show Cause. Plaintiff shall submit to the Court and Defendant an itemized list of costs and fees for the above no later than November 7, 2008. Defendant shall file any objections by November 17, 2008.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

October 23, 2008